

SABINOSO WILDERNESS ACT OF 2008

JUNE 5, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2632]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2632) to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sabinoso Wilderness Act of 2008”.

SEC. 2. DEFINITIONS.

In this Act:

(1) STATE.—The term “State” means the State of New Mexico.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, the approximately 15,995 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map titled “Sabinoso Wilderness” and dated May 7, 2008, and which shall be known as the “Sabinoso Wilderness”.

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the wilderness area designated by this Act shall—

(1) be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **MANAGEMENT OF WILDERNESS.**—Subject to valid existing rights, the wilderness areas designated by this Act shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that with respect to the wilderness areas designated by this Act, any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(d) **INCORPORATION OF ACQUIRED LAND.**—Any land or interest in land located inside the boundaries of the wilderness area designated by this Act that is acquired by the United States after the date of enactment of this Act shall become part of the wilderness area designated by this Act and shall be managed in accordance with this Act and other applicable law.

(e) **GRAZING.**—Grazing of livestock in the wilderness area designated by this Act, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(f) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State, including the regulation of hunting, fishing, and trapping, in the wilderness area designated by this Act.

(g) **WITHDRAWAL.**—Subject to valid existing rights, the wilderness area designated by this Act, is withdrawn from—

- (1) all forms of entry, appropriation, and disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(h) **ACCESS.**—

(1) Consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(2) For access purposes, private lands within T. 16 N., R. 23 E. Sections 17, 20 and the north half of Section 21, N.M.M. shall be managed as if an inholding in the Sabinoso Wilderness.

PURPOSE OF THE BILL

The purpose of H.R. 2632 is to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2632, as ordered reported, designates approximately 15,995 acres of public land managed by the Bureau of Land Management (BLM) as wilderness. The land is located in San Miguel County in Northwestern New Mexico. The land was studied for its wilderness characteristics and has been managed as a wilderness study area for more than 20 years.

The dominant feature of the area is the 1,000-foot-deep Canon Largo which connects to the Canadian River outside the unit. The area includes a mix of Ponderosa pine and riparian vegetation and provides habitat for an array of species including red-tailed hawk, bobcat and fox. The area features opportunities for hunting, hiking and horseback riding among other activities.

The proposed wilderness area would be managed according to the Wilderness Act (16 U.S.C. 1131 et seq.) and any land acquired by the federal government within the boundary would be incorporated into the wilderness area. Existing rights, including grazing allotments, would be managed using standard provisions covering those activities within designated wilderness.

Because the public land included in the designation is surrounded by private land, there is currently no public access to this

area. However, the BLM is currently working with a private landowner to provide public access from the eastern boundary of the proposed wilderness area.

COMMITTEE ACTION

H.R. 2632 was introduced on June 7, 2007 by Representative Tom Udall (D–NM). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On November 13, 2007, the Subcommittee held a legislative hearing on the bill.

The Subcommittee was discharged from further consideration of the bill and on May 14, 2008, the Full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D–AZ) offered an amendment in the nature of a substitute to adjust the wilderness acreage to 15,955 acres and add language to allow adequate access for private landowners to inholdings in the Sabinoso Wilderness. The amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Sabinoso Wilderness Act of 2008.”

Section 2. Definitions

Section 2 defines the term “State” as the State of New Mexico, and the term “Secretary” as the Secretary of the Interior.

Section 3. Designation of the Sabinoso Wilderness

Section 3(a) designates 15,995 acres of public land under the jurisdiction of the Taos Field Office of the Bureau of Land Management as a component of the National Wilderness Preservation System which shall be known as the “Sabinoso Wilderness.”

Section 3(b) identifies requirements for the map and legal description of the wilderness area designated by this Act.

Section 3(c) states that subject to valid existing rights, the wilderness areas designated by this Act shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

Section 3(d) states that any land or interest in land located inside the boundaries of the wilderness area designated by this Act, acquired by the United States after the date of enactment of this Act, shall become part of the wilderness area designated by this Act.

Section 3(e) requires that the grazing of livestock in the wilderness area designated by this Act, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (House Report 101–405). Section 4(d)(4) of the Wilderness Act specifically states that “the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regula-

tions as are deemed necessary by the Secretary * * *” House Report 101–405 has numerous guidelines related to grazing in wilderness, including that “[t]here shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness * * *” Another guideline in House Report 101–405 states that “the maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.) is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment.”

Section 3(f) states that as provided in Section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State, including the regulation of hunting, fishing, and trapping, in the wilderness area designated by this Act.

Section 3(g) states that subject to valid existing rights, the wilderness area designated by this Act is withdrawn from all forms of entry, appropriation, and disposal under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing, mineral materials, and geothermal leasing laws.

Section 3(h) provides that consistent with Section 5(a) of the Wilderness Act (16 U.S.C. 1134), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness; and that for access purposes, private lands within T. 16 N., R. 23 E. sections 17, 20, and the north half of section 21, N.M.M shall be managed as if an inholding in the Sabinoso Wilderness. Section 5(a) of the Wilderness Act states that in the case where State-owned or privately owned land is completely surrounded by public lands designated as Wilderness, such State or private landowner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill pre-

pared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2632—Sabinoso Wilderness Act of 2008

H.R. 2632 would designate nearly 16,000 acres of land in New Mexico as wilderness. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that enacting H.R. 2632 would have no significant effect on the Federal budget.

The acreage to be added to the National Wilderness Preservation System is currently administered by BLM as a wilderness study area; no additional resources would be required to manage the land as a result of the final designation as wilderness. We expect that any costs to revise maps and signs to reflect the new designation would be minimal because most such revisions would take place in conjunction with scheduled reprinting and routine maintenance. Finally, we estimate that enacting the bill would have no effect on BLM receipts.

H.R. 2632 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy Assistant for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 2632 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.